REMARKS

Claims 1-31 are pending in the present application. Claims 7-31 have been withdrawn in response to the restriction requirement imposed by the Examiner. Claims 1 and 6 have been amended. Support for the amendments may be found between line 9 on page 7 and line 10 on page 8 of the Patent Application, as well as in Figures 2 and 3. No new matter has been added. Applicants have submitted a Request for Continued Examination with the present response. Applicants therefore request that these amendments be entered and considered by the Examiner.

In the Office Action, claims 1-6 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Willeneger (U.S. Patent No. 6,775,254). Pursuant to the amendments indicated herein, the Examiner's rejections are respectfully traversed.

Conventional voice frame aggregation schemes use a fixed duration to aggregate content packets into IP packets. However, packet delay jitter may be caused by changes in the data rate associated with the channel used to transmit aggregated packets, *e.g.*, when the channel conditions vary between a wireless unit and an associated base station. To address this problem in conventional voice frame aggregation schemes, independent claim 1 sets forth a dynamic frame aggregation technique in which physical layer frames are formed by selecting a portion of a plurality of content frames based on a condition of a channel that is used to communicate the physical layer frames. The selected portion of the plurality of content frames is then combined with a header formed according to a transmission protocol. The header indicates a destination address of the physical layer frame and in some cases the header also indicates the source address of the physical layer frame, as set forth in claim 6. The physical layer frame including the aggregated portion of the plurality of content frames may then be communicated over the channel.

Willenegger describes partitioning slots into voice/data partitions and packet data partitions. A transmit packet data processor can be used to format, code, and process voice/data and/or packet data to generate coded packet data. See Willenegger, col. 9, ll. 37-50. However, Willenegger does not describe or suggest aggregating content frames into a physical layer frame that includes a header indicating the destination address of the physical layer frame, as set forth in claim 1. Furthermore, Applicant respectfully submits that Willenegger fails to teach or suggest that the physical layer frame is formed according to the Internet Protocol and includes an IP header indicating the destination address and a source address of the physical layer frame, as set forth in claim 6.

For at least the aforementioned reasons, Applicant respectfully submits that Willenegger does not anticipate the pending claims and request that the Examiner's rejections of claims 1-6 under 35 U.S.C. § 102(e) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

Date: February 5, 2008

/Mark W. Sincell/

Mark W. Sincell, Ph.D.
Reg. No. 52,226
Williams Morgan & Amerson, P.C.
10333 Richmond Avenue, Suite 1100
Houston, TX 77042
(713) 934-7000
(713) 934-7011 (Fax)

AGENT FOR APPLICANT